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Elizabeth M. Hagood
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Edwin H. Cooper, III
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Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

178709
S.A.
BOARD:
Henry C. Scott
Paul C. Aughtry, III
Glenn A. McCall
Coleman F. Buckhouse, MD

March 31, 2006

VIA HAND DELIVERY

The Public Service Commission of South Carolina
Attn: Mr. Charles Terreni
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RECEIVED
2006 MAR 31 PM 1:07
SC PUBLIC SERVICE
COMMISSION

Re: Joint Application of Timothy P. Oliver and James C. Thigpen for Expedited Approval of a Transfer of Assets of Goat Island of Operating Authority of Goat Island Water and Sewer Company, Incorporated; and Transfer of all Sewer Service System Without Limitations to all Current Customers of Goat Island Water and Sewer Company, Incorporated of Clarendon County, South Carolina
Docket No.: 2006-50-WS

Dear Mr. Terreni:

Enclosed please find the original and one copy of *Petition of the South Carolina Department of Health and Environmental Control to Intervene* for filing in the above referenced matter.

Kindly clock stamp the copy and return it to this office by using the self enclosed self addressed stamped envelope.

If you have any questions, please do not hesitate to call me.

Sincerely,

Kimberly A Sellers
Kimberly A. Sellers
Paralegal to
Julie F. McIntyre
SC DHEC Staff Attorney

RECEIVED

MAR 31 2006

PSC SC
DOCKETING DEPT.

/kas
Enclosure

cc: Jeffrey M. Nelson, Esquire
Scott L. Robinson, Esquire

RETURN DATE: 3/31/06 *ok*
SERVICE: _____

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

Joint Application of Timothy P. Oliver)
and James C. Thigpen for Expedited)
Approval of a Transfer of Assets of)
Goat Island of Operating Authority)
of Goat Island Water and Sewer)
Company, Incorporated; and Transfer)
of all Sewer Service System Without)
Limitations to all Current Customers)
of Goat Island Water and Sewer)
Company, Incorporated of Clarendon)
County, South Carolina)
_____)

Docket No.: 2006-50-WS

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 SC PUBLIC SERVICE
 COMMISSION

**PETITION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND
ENVIRONMENTAL CONTROL TO INTERVENE**

NOTICE OF MOTION

In accordance with 26 S.C. Code Ann. Regs. 103-836 (Supp. 2004), Petitioner South Carolina Department of Health and Environmental Control ("DHEC" or "the Department") herein petitions to intervene in the formal proceedings in the above captioned action on the grounds set forth below.

A. The facts from which the nature of the Department’s interests can be determined:

On February 1, 2006, Timothy P. Oliver and James C. Thigpen (“Joint Applicants”) filed a joint application, pursuant to 26 S.C. Code Ann. Regs. R103-504, requesting that the Public Service Commission (the “Commission”) expedite and approve the transfer of the water and wastewater treatment facility, including infrastructure and all assets without limitation and all operating authority serving Goat Island, In Clarendon County, South Carolina. On January 20, 2006, staff in the Bureau of Water of the Department of Health and Environmental Control (“DHEC” or the “Department”) wrote Mr. Oliver informing him that the Department must

approve the transfer of the operating permits for the facilities. See Exhibit 1, Department Letter of January 20, 2006. The application instructions clearly state that in order to approve the transfer, the Department had to receive both the application and a business plan. See, Exhibit 2, Application Instructions. To date, neither has been received by the Department. See Exhibit 3, Affidavit of Joe L. Rucker.

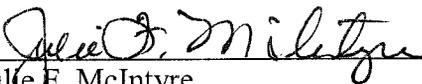
B. The Grounds of the proposed intervention:

1. The Department is responsible for regulating discharges of treated wastewater to the environment so that citizens and the environment in the State of South Carolina may be protected.
2. The Joint Applicants are required to apply to DHEC for transfer of the facilities and to date have failed to do so. 24 S.C. Code Ann. Reg. §61-9.122 and 24A S.C. Code Ann. Reg. §61-58.1.
3. No other party can raise or defend the Department's position.

C. The Department's position in the proceeding:

Approval of the transfer by the Public Service Commission should not be denied until the Joint Applicants apply for and receive approval of the transfer of these facilities by DHEC.

Respectfully submitted,



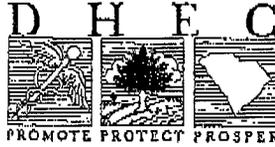
Julie F. McIntyre
Attorney for South Carolina Department
for Health And Environmental Control
Office of the General Counsel
Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708
(803)898-3350
(803)898-3367 (FAX)

March 31, 2006
Columbia, South Carolina

EXHIBIT 1

BOARD:
Elizabeth M. Hagood
Chairman
Edwin H. Cooper, III
Vice Chairman
L. Michael Blackmon
Secretary

141002A
Z



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

January 20, 2006

BOARD:
Carl L. Brazell
Steven G. Kisner
Paul C. Aughtry, III
Coleman F. Boekhouse, MD

MS. BILLIE ANN OLIVER
GOAT ISLAND WATER AND SEWER COMPANY
2039 LAKE MARION SHORES RD
SUMMERTON, SC 29148

RE: Change of ownership issue with the PSC
Goat Island Water and Sewer Company (Clarendon County)

Dear Ms. Oliver:

The Goat Island Water and Sewer Company has the proper drinking water and wastewater permits to operate. The wastewater permit is ND0067318 and the drinking water permit is 1470852. However, neither permit has been transferred to Tim Oliver, per se.

Enclosed is a drinking water permit transfer application. The letter regarding the wastewater system permit transfer is enclosed as well.

I can be reached at 803-898-4157 or at debessjp@dhec.sc.gov.

Sincerely,

Jeffrey P. deBessonnet, P.E., Director
Water Facilities Permitting Division

cc: ✓ Jack Pettit, Sumter EQC Office
Mike Montebello
Shawn Clarke

RECEIVED
JAN 24 2006

BY:.....

EXHIBIT 2

Purpose: This form is to be used by proposed owners of Public Drinking Water Systems in South Carolina requesting to transfer ownership of the Operating Permit associated with the System in accordance with SPDWR [R.61-58.1.O(7)].

Three copies of the completed application must be submitted to the following address at least thirty (30) days prior to the proposed transfer:

SCDHEC
Water Facilities Permitting
2600 Bull St
Columbia, SC 29201

ITEM BY ITEM INSTRUCTIONS FOR COMPLETING THIS FORM:

SECTION 1. SYSTEM INFORMATION

On the first line of Section 1 enter the current name of the water System and the current number of taps served. On the second line enter the SCDHEC System Number and System Type. System types are defined in [R.61-58.B] as Community, Non-transient non-community, Transient non-community, or State.

SECTION 2. PROPOSED OWNER & OPERATOR CONTACT INFORMATION

In the left column of Section 2 enter the legal name and address (firm, corporation partnership, etc.) or person if an individual proposing to become the responsible party for the water System. Enter the phone number and fax number with area code of the proposed Owner. Enter the proposed Owner's e-mail address.

In the right column of Section 2 enter the name and address (firm, corporation partnership, etc.) or person if an individual proposing to become the responsible Operator-in-Charge for the water System (treatment and/or distribution). The Operator must be properly licensed by the SC Dept. of Labor, Licensing, and Regulation, Environmental Certification Board. Enter the phone number and fax number with area code of the proposed Operator. Enter the Operator's e-mail address.

SECTION 3. DEMONSTRATION OF VIABILITY

The proposed Owner must demonstrate that the System will be technically, managerially, and financially viable; and there will be a commitment to continuously comply with the State Primary Drinking Water Regulations. Due to the different types and sizes of water systems, levels of acceptable viability demonstration will vary. In order to avoid any delays in the approval of the transfer, the proposed owner should contact the Water Facilities Permitting Division for guidance concerning this demonstration. For additional information on how to demonstrate the viability of a water system, visit our website for a copy of a guidance document at www.scdhec.net/water/html/dwpermit.html#capdev. Check the box if viability information is attached with the application.

SECTION 4. SIGNATURES. ALL SIGNATURES MUST BE ORIGINAL.

The proposed Owner or designee who has the legal authority to act on behalf of the Water System shall sign and print his/her name, provide the date of application, and his/her official title.

The current owner shall sign and print his/her name agreeing to the transfer of the System and its Operating Permit. The Department must be notified in writing as soon as possible after the actual transfer. The System and its Operating Permit may not be transferred without Department approval. Approval of transfer may also be required by the Public Service Commission of SC (PSC), Secretary of State, and/or other entities.

Office Mechanics and Filing: This form should be reviewed by the Water Facilities Permitting Division Capacity Development staff, Public Service Commission of SC, where appropriate; and Office of General Counsel. Following appropriate action it will be filed in the System's Drinking Water File by System Number. Upon approval of transfer, the new owner will receive a copy of the System Operating Permit reflecting the appropriate changes.

EXHIBIT 3

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2006-50-WS

March 31, 2006

Joint Application of Timothy P. Oliver)
and James C. Thigpen for Expedited)
Approval of a Transfer of Assets of)
Goat Island of Operating Authority)
of Goat Island Water and Sewer)
Company, Incorporated; and Transfer)
of all Sewer Service System Without)
Limitations to all Current Customers)
of Goat Island Water and Sewer)
Company, Incorporated of Clarendon)
County, South Carolina)
_____)

AFFIDAVIT OF JOE L. RUCKER

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Joe L. Rucker and I am employed by the Department of Health and Environmental Control as the Assistant Bureau Chief of Water.
- 2) My office is located at 2600 Bull Street, Columbia, South Carolina 29201.
- 3) I have reviewed the Department files for the water and wastewater systems at issue in the action before the Public Service Commission. To date, the applicants have not filed an application for transfer or the required business plan in support of that transfer as required under the State Primary Drinking Water Regulations and the State National Pollutant Discharge Elimination System Regulations.

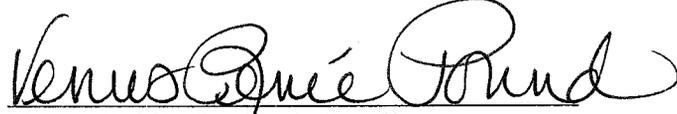
4) The Department is unable to approve transfer of these systems until the applications have been properly submitted to include a business plan demonstrating technical, managerial, and financial viability.

AND FURTHER THE AFFIANT SAYETH NOT.



Joe L. Rucker
2600 Bull Street
Columbia, South Carolina 29201

Sworn and subscribed before me
this 31 day of March, 2006



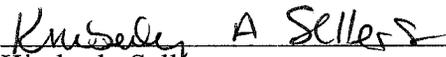
Notary Public for South Carolina
My Commission Expires: 2/8/16

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

The undersigned for the South Carolina Department of Health and Environmental Control (“DHEC”), states that she has on March 31, 2006, served upon the necessary parties the **Petition of the South Carolina Department of Health and Environmental Control to Intervene**, via U.S. mail, addressed as follows:

Jeffrey M. Nelson
Office of Regulatory Staff
P.O. Box 11263
Columbia, South Carolina 29211

Scott L. Robinson
Johnson, McKenzie & Robinson, LLC
16 North Brooks Street
Manning, South Carolina 29102



Kimberly Sellers

Columbia, South Carolina
March 31, 2006